

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 3764-150

HODSON et al

C# M#

Serial No. 10/698,950

TC/A.U.

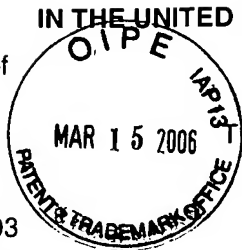
3764

Filed: November 3, 2003

Examiner: Glenn K. Dawson

Date: March 15, 2006

Title: INHALATION DEVICE



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: \$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Atty. Ref.: 3764-150; Confirmation No. 5024

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* * * * *

March 15, 2006

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Sir:

RESPONSE

This is in response to the Official Action mailed February 16, 2006.

Reconsideration of this application is requested. Claims 21-48 are in the case.

The Examiner has inquired as to how new claims 41 and 44 are patentable over the cited references. In response, claim 41 refers to a main body of an inhaler device with an outlet assembly being a part formed separately from the main body. In order to secure the deformation of an outlet assembly when withdrawn from a main body of this type, it is important that the main body is made rigid enough so that it does not deform instead of the outlet assembly.

In contrast, the main body of Ritson, as shown in the Figures 4 and 5 is of a weak design with respect to "withdrawal" of the mouthpiece, as there is a chance that the tabs 42 will break. Hence, claim 41 is patentable over Ritson.

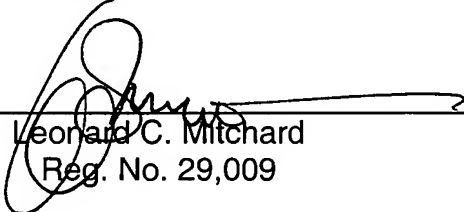
Claim 44 refers directly to an outlet arrangement that is configured to deform and optionally break on withdrawal from a main body. As is stated above, it is evident from Figures 4 and 5 in Ritson that the disclosed mouthpiece is not configured so as to deform in the specified manner upon withdrawal from a main body. Hence, both claim 41 and 44 are patentable over Ritson.

Favorable action on this application is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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